

FILED
for Roanoke
JAN 14 2013

JULIA C. DUDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ODILON RODRIGUEZ

Petitioner,

v.

UNKNOWN,

Respondent.

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Civil Action No. 7:12-cv-00554

MEMORANDUM OPINION

By: Hon. Jackson L. Kiser
Senior United States District Judge

By Order entered November 21, 2012, the court assessed the \$5.00 filing fee and granted petitioner ten days from the date of the Order to pay the \$5.00 fee or file a statement of his assets and a certified report of his inmate trust account for the six-month period before he filed this action in order for the court to determine a payment schedule, pursuant to 28 U.S.C. § 1915. Petitioner was advised that a failure to pay the fee or return the financial documents within the time allowed would result in dismissal of this action without prejudice.

The time for petitioner to comply with the Order has expired, and petitioner did not pay the fee or file the required financial documents. Accordingly, petitioner failed to comply with the court's order and the requirements of § 1915, and this action is dismissed without prejudice. Petitioner may refile his claims in a new and separate action once he can pay the \$5 filing fee or file the necessary financial forms to proceed in forma pauperis.

The Clerk is directed to send a copy of this Memorandum Opinion and accompanying Order to petitioner.

ENTER: This 14th day of January, 2013.

[Signature]
Senior United States District Judge